IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1057 (M/S) of 2006

Ashish Bharti,
S/o Harinam Singh Bharti,
R/o Village-Tandoli,
R.O.- Androli Patti,
Idiakoat Talla, District-Pauri Garhwal. **……..Petitioner.**

Versus

1. State of Uttaranchal through Secretary, Education Department, Government of Uttaranchal at Dehradun.
2. Education Director, State of Uttaranchal, Dehradun.
3. Principal, District Institute of Education and Training, Pauri Garhwal.

……..Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Kishor Kumar, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission state itself.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(a) Issue a writ, order or direction in the nature of Mandamus commanding the respondents to consider the candidature of the petitioner for training of Assistant Teacher in primary School ignoring the condition imposed by the respondents.

(b) Issue a writ, order or direction in the nature of Mandamus commanding the respondents to consider the

case of the petitioner for appointment against the lying vacant seats in District-Pauri Garhwal, in science group.

(c) *Any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may be also be passed.*

(d) *award the costs of the writ petition to the petitioner.*

The submission of the petitioner is that he has passed B.A. examination with Political Science, Economics, English and Mathematics. According to the advertisement dated 10.07.2006 issued by he respondents for selection of Special BTC in Primary Schools. Fifty per cent of the seats have been reserved for Science Group, for which prescribed qualification, as per advertisement, is graduation in science.

The submission of the learned counsel for the petitioner is that petitioner has passed B.A. examination with Political Science, Economic, English and mathematics and as such, he should be treated as Science Graduate.

I do not find and force in the submission of the learned counsel for the petitioner.

Learned counsel for the petitioner has further submitted that as per provision of U.P. Basic Education Teachers Service Rules 1981, petitioner is qualified for the selection of Special BTC as he has passed intermediate with science subjects, consequently, he should be considered for selection of Special B.T.C.

Since the petitioner is not eligible for selection of Special BTC Training in Science Group as qualification prescribed in the aforesaid advertisement petitioner cannot claim for selection in Special BTC in Science Group. However, he may be considered for selection of Special BTC in Art group.

I don't find any force in the submission of leaned counsel for the petitioner. Writ petition is devoid of merit, as such, is dismissed in limin. No order as to costs.

(M.M. Ghildiyal, J.)

August 08, 2006
SKSharma